

**26-8a-405.2 Selection of provider -- Request for competitive sealed proposal -- Public convenience and necessity.**

- (1)
- (a) A political subdivision may contract with an applicant approved under Section 26-8a-404 to provide services for the geographic service area that is approved by the department in accordance with Subsection (2), if:
    - (i) the political subdivision complies with the provisions of this section and Section 26-8a-405.3 if the contract is for 911 ambulance or paramedic services; or
    - (ii) the political subdivision complies with Sections 26-8a-405.3 and 26-8a-405.4, if the contract is for non-911 services.
  - (b)
    - (i) The provisions of this section and Sections 26-8a-405.1, 26-8a-405.3, and 26-8a-405.4 do not require a political subdivision to issue a request for proposal for ambulance or paramedic services or non-911 services.
    - (ii) If a political subdivision does not contract with an applicant in accordance with this section and Section 26-8a-405.3, the provisions of Sections 26-8a-406 through 26-8a-409 apply to the issuance of a license for ambulance or paramedic services in the geographic service area that is within the boundaries of the political subdivision.
    - (iii) If a political subdivision does not contract with an applicant in accordance with this section, Section 26-8a-405.3 and Section 26-8a-405.4, a license for the non-911 services in the geographic service area that is within the boundaries of the political subdivision may be issued:
      - (A) under the public convenience and necessity provisions of Sections 26-8a-406 through 26-8a-409; or
      - (B) by a request for proposal issued by the department under Section 26-8a-405.5.
  - (c)
    - (i) For purposes of this Subsection (1)(c):
      - (A) "Fire district" means a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, that:
        - (I) is located in a county of the first or second class; and
        - (II) provides fire protection, paramedic, and emergency services.
      - (B) "Participating municipality" means a city or town whose area is partly or entirely included within a county service area or fire district.
      - (C) "Participating county" means a county whose unincorporated area is partly or entirely included within a fire district.
    - (ii) A participating municipality or participating county may as provided in this section and Section 26-8a-405.3, contract with a provider for 911 ambulance or paramedic service.
    - (iii) If the participating municipality or participating county contracts with a provider for services under this section and Section 26-8a-405.3:
      - (A) the fire district is not obligated to provide the services that are included in the contract between the participating municipality or the participating county and the provider;
      - (B) the fire district may impose taxes and obligations within the fire district in the same manner as if the participating municipality or participating county were receiving all services offered by the fire district; and
      - (C) the participating municipality's and participating county's obligations to the fire district are not diminished.

(2)

- (a) The political subdivision shall submit the request for proposal and the exclusive geographic service area to be included in a request for proposal issued under Subsections (1)(a)(i) or (ii) to the department for approval prior to issuing the request for proposal. The department shall approve the request for proposal and the exclusive geographic service area:
  - (i) unless the geographic service area creates an orphaned area; and
  - (ii) in accordance with Subsections (2)(b) and (c).
- (b) The exclusive geographic service area may:
  - (i) include the entire geographic service area that is within the political subdivision's boundaries;
  - (ii) include islands within or adjacent to other peripheral areas not included in the political subdivision that governs the geographic service area; or
  - (iii) exclude portions of the geographic service area within the political subdivision's boundaries if another political subdivision or licensed provider agrees to include the excluded area within their license.
- (c) The proposed geographic service area for 911 ambulance or paramedic service shall demonstrate that non-911 ambulance or paramedic service will be provided in the geographic service area, either by the current provider, the applicant, or some other method acceptable to the department. The department may consider the effect of the proposed geographic service area on the costs to the non-911 provider and that provider's ability to provide only non-911 services in the proposed area.

Amended by Chapter 297, 2011 General Session